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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



Alyaksei Shydlowski after his release

Time Ruins Prison's Foundation

Alyaksei Shydlowski, a political prisoner, is released!

Any dictatorship, even the most powerful cannot resist time. No dictator can stop it from going. One year and a half of Alyaksei Shydlowski's imprisonment are also over. Convicted for anti-presidential writings (graffiti) on the walls of his native town, he went through all the hardships Belarusan prisons could provide. Now Alyaksei is released...

His imprisonment was to have finished on February 25. Alyaksei's friends and companions

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Chronicle

On February 27, in Minsk there was an antifascist action – a meeting and a march called «Crush the fascist reptile!». It was initiated by the Belarusan Helsinki Committee, by the Human rights centre «Viasna-96» and by the public initiative «Charter-97». In this antifascist meeting 3 thousand people took part, mainly from Jewish, Tartar and Ukrainian communities. After the meeting people in civil started detentions. Vasil Pashkovich and Uladzimir Rusnak, members of the Belarusan Popular Front, a minor Alyaksandr Yuryn together with his friend who were holding a placard «Charter-97» were detained. The initiators of the action – V.Kostka (Belarusan Helsinki Committee), A Byalatsky (Human rights centre «Viasna-96»), Z. Bandarenka («Charter-97») were subpoenaed.

On March 1, in Minsk City Militia Department (at Kamarowsky market) there were trials under initiators of antifascist action «Crush the fascist reptile» Ales Byalatsky, Zmitser Bandarenka and Valery Kostka. Ales Byalatsky was convicted. Under Art. 167 (p.2) of the Criminal Code (violation of street demonstration regulations) and was sentenced to 10 days in administrative arrest. Trials on Z.Bandarenka and V.Kostka were suspended on March 4. On that day A.Barysionak, a judge of the Central Court suspended judgement of the Uladzimir Rusnak and Vasil Pashkovich, participants of the BPF action, detained on February 27, on March 10.

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Fascism shouldn't be given a way

An anti-Fascist meeting and march under the slogan of the World War II: «Crush the Fascist reptile!» took place on February 27, in Minsk



A neo-fascist organisation «Russian National Unity» has tried up its activity in Belarus lately. That was the main version for carrying out the action «Crush the Fascist reptile!» initiated by the Belarusan Helsinki Committee, the Human Rights Centre «Viasna-96» and public initiative «Charter-97». Jewish, Tartar and Ukrainian communities took part in the action.

Minsk Executive Committee authorised the meeting on condition that the participants would march only on the pavements and wouldn't go on to the road. Three thousand people took part in the anti-Fascist action. The pavements were covered with snow and huge icicles hang from the roofs of the houses threatening people's lives. That is why the demonstrants marched on the one side of Skaryna Avenue not hampering the traffic.

In Victory Square they loud wreaths to the monument erected in the honour of the victory over fascists.

During the march V.Kostka (Belarusan Helsinki Committee), A.Byalatsky (Human Rights Centre «Viasna-96») and Z.Bandarenka («Charter-97») initiators of the action were warned and accused of violating street demonstrations regulations. At last they were handed subpoenas: to arrive on the same day at the Savetski district Department of Internal Affairs to make a protocol.

The march finished with the meeting in the Paris Commune Square. After the meeting people in civil clothes detained Vasil Pashkovitch and Uladzimir Rusnak, members of BPF «Adradzhennie», Alexander Yuryn with friends, minors who carried the placard «Charter-97». Several participants of the meeting found a shelter in the building of OBSE mission in Minsk. Valery Kostka, a member of Belarusan Helsinki Committee, was found by the militia officials at the International Conference «Court Defence of Human Rights» held by Belarusan Helsinki Committee. At that very place the protocol was made in front of human rights defenders from different countries. Ales Byalatski was detained on his way home from the headquarters of the BPF «Adradzhennie» on February 27. Officials in civil clothes took him to Savetski district Department of Internal Affairs where the protocol was made and another subpoena for March 1 written out.

By the way, it wasn't easy for those people in civil clothes to detain the participants of the action as people didn't let them do it. for instance, near the metro station «Nyamiga» they «came to

Time Ruins Prison's Foundation

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from the «Malady Front» were preparing for his release. It was planned to organise a special occasion meeting of the political prisoner at the prison's gates. The authorities were preparing for Alyaksei's release in their own way. Two days before February, 25 A.Shydlowski was forcefully granted an amnesty. Why forcefully? The matter is that A.Shydlowski rejected the amnesty and was the first imprisoned of the Minsk high security jail to do it deliberately and voluntarily.

On February 23, A.Shydlowski was forced out of the jail. Doing that the authorities aimed at several things. Firstly, in such a way they showed their «humanism»; secondly, they wanted to prevent an authorised picket-meeting Alyaksei at the prison's gate; thirdly (and that is the most Jesuitical) having released A.Shyldlowski two days before the end of his imprisonment they, according to Belarusan laws, deprived him of the right to amnesty for the next 10 years. That is, nobody knows what your life will be like but don't forget about the punishing sword hanging over you.

There was another «cunning» used by the authorities. To avoid an «uncontrolled meeting» (Alyaksei's friends were waiting for him at the prison's gate» prison wards kept him in the prison yard in the cold and snow waiting for his friends to go to have their dinner.

In prison Alyaksei had his 19th and 20th birthday, he matured, made new friends, he didn't even have a good possibility to say good-bye to. Talking about prison conditions and rules existing in Belarusan prisons. Alyaksei stressed that in spite of all moral, psychological and



A.Shydlowski and U.Labkovich, accused of «graffiti», on press-conference

rescue» and saved Tsimafei Dranchuk.

Galina Rylkova informed Human Rights Centre «Viasna-96» that «on February 27, 1999 at 13.30 in Y.Kupala Park she saw two young men in civil pulling two women into a car for having a white-red-white flag in the bag of one of them. There were four of us, all women; we started crying, two more women came up to us and we parted their arms. The men got into the car and drove in the direction of Opera and Ballet theatre».

That was not the only example of the men in civil' failure. M.Mickalaichanka, M.Belyankevitch and A.Tsimafeew were attempted to be detained at a bus stop. Men in civil went for Belyankevitch and tried to pull him into the car «Lada» MA 90-47 but people at the bus stop stood up for him and didn't let them succeed.

Trials against participants of the action «Crush the Fascist reptile!» started on March, 1. Ales Byalatski, Zmitser Bandarenka and Valery Kostka stood their trial in Savetski district Department of Internal Affairs. Ales Byalatski was sentenced to 10 days' administrative arrest. Z.Bandarenka's and Kostka's trials were postponed for March, 4. The consideration of the cases of the BPF members V.Rusnak and V.Pashkovitch were postponed by A.Barysionak, Judge of the Minsk Central Court, on March 10.

Our reporter

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physical hardship he had had to endure, in spite of frequently practised «educational» conversations his system of values, didn't change, neither did his plans for life. He means to find a job, preferably of a journalist (Alyaksei was a student of the journalist department at the Belarusan State University) and to continue his education...

It looks like nothing has changed in Belarus over the last year and a half. But the mighty time hastened not only the day of Alyaksei release. The period of the dictator's legitimacy is also coming to its end. The dictator who put Alyaksei behind bars for not respecting him.

Time ruins not only prisons' foundations but also wipes dictator and dictatorship off the face of the earth...

Andrei NALIVA

Aimed at Intimidating

From the end of February Lukashenka's regime has been «chasing» the opposition Central Election Committee, initiated by the legitimate Supreme Council of the 13th Convocation

On February 25 fifteen members of the central Committee on the Presidential elections with Viktar Ganchar, its head, spent more than five hours in the police station after they been arrested with the help of OMON (special police force) in the cafe «Coliseum», which is in Minsk Officers' Palace. They came there at dinner time (as there were no other possibilities, no other place to meet) to hold a meeting and decide upon important questions on the Presidential Elections campaign. At the police station all the General Election Committee members, except Volchak, the City Executive Committee member, were handed subpoenas as breakers of the administrative article No. 167 (violating street demonstration regulations).

Thus, on March 1, Monday, spring in Belarus started in a traditional way: by conflicts with the opposition that involved court institutions. The judges of Leninsky district Court Alena Tserashckova and Valyantsina Zyan'kevitch were to «work with» the Central Election Committee. Through in the first part of the day, there wasn't a lot of work for the respected madams to do: Genadz' Samoilenka, the Central Election Committee member from Brest, was the only one to come in the morning. At this request the 13th Supreme Counsel passed a resolution of December 10 on the presidential elections to carry out on May 16 and Mr. Samoilenka's appeal to Helsinki Committee and European Parliament were added to the case. In the above mentioned appeal along with the description of the actions happened in «Coliseum» he indicated the names of OMON's heads who «directed the Seizure» of the Central Election Committee (colonel Baranaw, major Barsukow etc.). in spite of Mr. Samoilenka's statement that he had followed only legitimate laws and the Constitution of the Republic of Belarus, and the explanation of his lawyer Vera Stramkowskaya that article 167 of the administrative Code regulates only street actions, judge Tserashckova found it just and lawful to fine Mr. Samoilenka 30 mln roubles (100 $). It is interesting that the Judge failed to find the witnesses, including colonel Baranaw, which the defendant asked to question at the trial. The only person to give evidence in court was senior sergeant of the 6th platoon of Minsk OMON Alexander Amel'yanovitch, who used to contradict himself in his evidence when asked by the lawyer V.Stramkowskaya. «Evidence proving his guilt» was also based on the video-materials at watching which mass media representatives were not allowed by judge Tserashckova. And it's not accidental. According to Mr. Samoilenka's words, it is clearly seen on the tape that they had twisted his arm and one can hear a voice threatening to hand-cuff him.

When the trial was coming to its end some quarters from the court room more dramatic events were taking place. Not far from Viktory Square police detained Viktar Ganchar. Having broken the car's window police took the head of the Central Election Committee out of it and brought him to the police station where the trial took place. Journalists were not allowed to the building ringed by OMON forces. Only a famous journalist and human rights defender Valery Schukin was allowed to enter, however, he had only a short talk with Judge V.Zyan'kevich who informed him that V.Ganchar was sentences to 10 days' arrest.

Meanwhile in a bus plying about Minsk a recurrent meeting of the Central Election Committee took place. At this meeting the membership of two candidates' (M.Chygir and Z.Paznyak) initiating groups was approved (V.Ganchar was detained when he was going to that meeting and some documents concerning Z.Paznyak's election campaign were stolen from his car. Fortunately, the initiating group had the copies of those documents.)

After the Central Election Committee members had fulfilled their duties they arrived at the Leninski district Court, where V.Ganchar had already been convicted. No one of them admitted their guilt in «breach of the legal procedure of assemblies»; they declared they were acting in accordance with the Constitution. This time there were no witnesses at the trial Judge Zyan'kevitch's verdict was almost the precise copy of the verdict brought by Judge Tserashckova except for some details that didn't change the essence of the case. Anatol' Gurynovitch, Boris Gyunter and Siargey Abadowsky were punished by 5 days' arrest (the latter one announced a hunger-strike immediately in the court room). Other members were fined: A.Dzirginchus, M.Pakhabaw, press-secretary of the Committee A.Koktysh – 30 mln each; A. Sidarenka and L.Zakurdayew – 20 mln each; and I.Navumchyk, as a pensioner , was fined with «only» 15 mln what concerns the three women-law breakers, they were given warnings.

Obviously, Lukashenka's regime is facing a dilemma: it cannot fail to pay attention to the opposition's activity of organising the presidential elections, but at the same time to develop repressions against the Central Election Committee means to give ground for a stir around the world, at the minimum... even now having just started pursuing people who are organising lawful elections the dictator has contributed a lot to publicising the central Election Committee. Judging by the informational policy of the Belarusan TV (trivial with holding of information) in the nearest future the regime is likely to impede democrats on the quite and with no comments.

Yana ZHDANOVICH

Who are judges?

Almost a month has passed since Yury Sushkow, a judge in the court of the Leninsky district of the town of Babruisk, told independent reporters at a news conference held at the Human rights centre «Viasna-96» about the reason which forced him to accomplish extraordinary deed – he resigned from his job and appealed to grant him political asylum. Now Yury Sushkow is in Germany. I was listening to a dictating-machine an report recorder on the day of his departure I noticed an extreme excitement in his words, in his intonation. Frankly speaking it had slipped my attention during the press conference. His fate was to be decided that day, but nobody of the present journalists knew about it. In fact, at that time nobody knew that hardly had the conference been over, a judge Sushkow left Belarus.

The fact that Yury Sushkow asked for political asylum – is an unprecedented case. Belarusan judge have seemed to loyal to the regime. But the secret forces didn't rule out such situations (the situation when judges left for the west). They knew, that it might happen as there were certain grounds. First – the judges don't have any rights. When Yury Sushkow started to draw up his travelling passport, in the personnel Department of the Ministry of Justice where he appealed to have a copying of his labour record, he was explained that judged are not allowed to leave a place. «I ring my Personnel Department,» – Yury Sushkow says – Maryia Arkadziewna Bayarchuk is the head of it. I say to her: «I need a copying of my labour record». She answers immediately: «We don't give travelling passports to judges. I will not sign your statement.» Why? What secrets can they reveal abroad? To tell that in Belarus is not a sovereign branch of power and they are so depraved of rights that they are not awarded premiums for acquittals?» As a result Sushkow got a travelling passport thanks for his good friends.

On January, 30 Yury Sushkow wrote an application to the head of the Magiliow Region Executive Committee to resign «because of my moral and political convictions». After that we had been in the illegal state for two weeks: he changed his place residence, destroyed all his papers, all documents. The reporters asked him how to get on him and he answered: «I don't know where I will be. Maybe in Minsk, maybe not in Minsk. I don't know...»

Yury Sushkow hadn't felt secured he understood that at any moment all his planned would be ruined.



Yury Sushkow

At the press conference before his departure for Germany, a judge Yury Sushkow confirmed that the secret forces in Belarus affect, as they used to in the Soviet times, the judicature. Yury Sushkow was forced by the secret forces to bring an unjust verdict instead of acquittal. In fact innocent people were sentenced to 2,5 years and 4,5 years in prison.

...Criminal cases on Mikalutsky's murder, the case of Pavel Sharamet, the case of Vasil Staravoitaw and others – they are «ordered cases», which are under the control of high-ranking official...

«At this disdainful trial – Yury Sushkow says, - KGB tried to persuade me to show it on TV. But it is a marvel that I managed to prevent it. On TV everything have seemed pompously. And it would have been awful to bring an unjust verdict and later have watched it on TV. I'd like to point out that at all investigations where KGB officials (chekists) are involved, TV is present, featuring the succession of investigation and bringing the verdict. Thus they can affect the judge's decision: «let's say, we have shown you on TV, everybody saw you bringing the verdict, that's why you are to be with us up to the end.

That's one of the means of their activities. For example the cases of two officers of the Babruisk customs service, Patarykin and Drozd lasted for long. It was a real show. As my suspicions arose, I decided to question as many witnesses as possible, I wanted persuade myself. «Chekists» had warned me at once: «Yury Uladzimiravich, we can some any problems, we can bring to you any man from the republic of Belarus even a Minister. In a 2 hour period he will be in Babruisk and we can question anybody – there won't be any problems.» In such saying there is a certain pressure on a judge – a demonstration of omnipotence of the secret forces in the Republic of Belarus. So a deputy chairman of the State Committee on Customs was brought. He was brought in the morning at about 10. It means that he had been woken very early in Minsk and had been somehow in Babruisk. He had been questioned in Minsk. All the questions were conducted in the KGB building. I don't even know how to value them. It's a special question, a special topic. According to the deputy chairman of the State Committee on Customs' testimony I saw that he was under pressure. It could be felt from his intonation, mimics. I repeat, in case KGB is involved, the cases don't vanish without any traces. Everything there is pressure, everything is intended to be made in such a way, a people serve the full time. This tradition dates back from the Soviet times, when KGB enjoyed the absolute power, and people used to be afraid of it. I believe it's one of the most vivid examples of intimidation of all people. To make people see on TV, which verdicts are brought where KGB investigates the case. By doing so, they seem to prompt: «Be ware of us».

The case of Patarykin and Drozd was economic but it was in its full meaning «an ordered one», - consume, the fact that I was under pressure. This pressure was exerted systematically – during the investigation on all the customs officers, on the leadership of the Customs Committee. The chairman of the District Court, Mikalai Semyaniuk told me for sure who initiated it – the Presidential Council for security. It's was an exact information because they rang him on behalf of Sherman and told me that the authorities were satisfied with the verdict.

All the cases like that, the criminal case of Mikalutsky's murder, the case of Pavel Sharamet, the case of Vasil Staravoitaw and others there are ordered murders which are under the control of a high-ranking official. If we are to speak on Mikalutsky' case, it's clear that to proceed from the information, which people got from Mass Media, it's hard to make any conclusions. To do it it's necessary to know why this murder was committed. I know a little those people who were responsible for preliminary inves-

tigation of Mikalutsky case. It's an investigator from the Region prosecutor's office, Alyaksandr Radkevich. To my mind, it was headed by Alyaksandr Matulkow from the Magiliow region prosecutor's office. These are two men from that group whom I knew.

Everybody remembers Lukashenka promising at the funerals to expose all villains and people's enemies in a 10 days period.

He one can draw a historical parallel between with assassination of Kiraw in 1930s. There is a saying: «Kill friendly people to intimidate aliens.»; it may be periphrases in the following way: «Kill friendly people to intimidate friendly people». Anyway, this version can't be ruled out. Though it's hard for me to judge the investigation, its objectivity. It's unknown what evidence they managed to find. One suspected man hanged himself. It was a man, who wasn't inclined to commit suicide. Now it's clear why the former Minister Lyavonaw, when he found himself involved in Belarusan judicature, announced being bars that any information about his suicide should be considered false...

...Any state regime has its own principles and laws which support and preserve it. For the totalitarian regime the main principle of existence is fear...

The investigation of Mikalutsky' case was not featured anywhere. That's why the trial would be close. What does it mean a close court in our country? It means that it isn't necessary to have it at all... under this case Alyaksandr Rygoravich Lukashenka was a victim. A special decree was issued on this occasion. Why was it so? You remember Lukashenko saying that the murder of Mikalutsky was a threatening gesture on the president. That's why he was found a victim under this case. One of the investigator said in a private conversation that he had a copy of resolution, in which Alyaksandr Rygoravich Lukashenka was found a victim and he wants to keep it for history. It's exact information. To find the president a victim it was sufficient to have anyone, confessing that this threat really was». The case of Mikalytsky was returned by the Supreme Court for investigation. But for disclosing of that undisclosed case. The officials from the Magiliow Region Prosecutor's office, A. Khadkevich and A. Matulkow, a Magiliow prosecutor Drazdow, some got a new apart-ment, others ware promoted...

Any kind of state government has its own principals and laws, which support and preserve it. For a totalitarian regime the main principle existence is fear.

Freedom of citizen largely depends on the quality of laws, which may severely infringe a man's immunity.

Yury Sushkow affirms that the basic human rights are violated in the republic of Belarus... «In our country beginning from the Soviet times there is such a practice: to punish a man it's sufficient to have a victim's testimony, - Yury Sushkow says – it's sufficient even when the defendant confesses if he confesses that he is guilty, it means he is guilty.

This practice is vicious. A man's guilt must be proved objectively. In our country we have the cases when investigation comes to an end because either a man confesses and this guilt is grounded by anything else or a victim points at a man and says that he is guilty. It isn't necessary to find any more evidence for investigation. It's enough to send a man to prison, to punish. They are afraid of ruining this practice because all previous verdicts are to be disaffirmed. For disaffirming a verdict – you maybe threatened with a real terror. Even if you are a judge and acquit somebody, you suffer professional repressions – no premiums and etc. These are little things in comparison to all that mud, slinging at you by the militia and the prosecutor's office.

One more example from my life. I was examining the case – an appeal from Leninsky district department of Internal Affairs of the town of Babruisk to change a respite. A young guy was charged with using and keeping drugs for personal needs, he didn't intend to sell them. It's not a serious offence, moreover it was for the first time, when he was brought to trial. He was given a 2 year sentence with a 2-year respite. At the end of this time, suddenly he was instituted administrative proceeding. A lawsuit begins. I call the defendant and ask: «Why were you detained». He answers: «You know, the militia men came to my house, took me, brought to the militia station and said: «Plead guilty in this and this and this». I did nothing. What should I plead? The militia men used to write reports and take me to the administrative, who authorised and administrative arrest and he was sent to the custody centre. What is he punish for? Because there are reports... I asked him is he appeal to the prosecutor's office. He answered: «I had been warned, God save from appealing to any institution... We will show you...» Frankly speaking, I trusted this guy. I sent his case to the prosecutor's office for checking out. After that a prosecutor came up to me and said: «Yury Uladzimiravich, Let's change the formulation. Is we check it out, a lot of people will have to be punished for illegal detention». The mope people are brought to trial, the more people are afraid of it. It's easier to struggle with such people – take any of them, you may oppress and he will keep silent and he will never be an opponent for the authorities. Such people are afraid of the system because the system ruins them.

It's sufficient in our country to be disliked by a militiamen for making a report and instituting administrative proceeding under Article 156 of the Code of the republic of Belarus – minor hooliganism. As a rule, they write in the reports the following: «Stood in passers-by's was, used bad language, had a careless appearance, waved his arms, was drunk and so on». The witnesses are the militiamen. Nobody would find any evidence. That is low administrative proceedings against people are initiated in our country».

...The more people are brought to trials, the more people are afraid of it. It's easier to struggle with such people – take any of them, you may oppress him and he will keep silent and he will never be an opponent for the authorities. Such people are afraid of the system because the system breaks them severely...

After bringing a verdict of «not-guilty» Yury Sushkow had complications with his leaders. Rygor Kachalaw, a judge of the Region Court warned him by saying that he, himself could be instituted criminal proceeding». «If I want I will destroy you» – these are Kachalaw's words. The conversation took place in Sushkow study before witnesses. In fact it was a threat.

His words about a professional terror, Yury Sushkow supports with examples. A judge, Siargei Zhabchanka was resigned after brining a verdict of «not-guilty» to Taranaw, a head of «Fandok».

«To struggle with the system, to bring principal decisions is practically impossibly,» – Yury Sushkow came to a conclusion.

At a press-conference held at the Human rights centre «Viasna-96», Yury Sushkow quoted the words of the former Minister of Internal Affairs, Yury Zakharanka, from the film «An ordinary president» saying that in Belarus the weakens are ruined, the strongers are killed». Yury Sushkow chose another way – immigration.

Palina STSEPANENKA

PS The article was prepared according to the materials of the press-conference held in the headquarters of the Human Rights Centre «Viasna-96».

EVENTS FACTS COMMENTS

(continued from p.1)

On March 1, in Minsk Viktar Ganchar, a chairman of the Central Committee on presidential elections was arrested. He was forced out of his car by police and brought to the Leninski district Court, where he was sentenced to 10 days of imprisonment for heading the Election Committee. It should be mentioned that in February Viktar Ganchar was warned by the State Security Committee (KGB). The warning said, «the activity run by Ganchar and the Central Election Committee's members contradicts the current legislation, it does provoke destabilisation of political situation in the Republic of Belarus and might lead to treason according to the art. 61 (p.1) of the Criminal Code. In connection with this V.I. Ganchar is passed an official warning and explained that the activity of such kind might lead to the offence and entail criminal responsibility.»

On March 1, the trial under the members of the Central Committee on presidential elections took place. Court hearings were conducted in the building of the Leninski district's Department of Internal Affairs. Genadz' Samoilenka was the first, who came to the «court» in the morning. He was fined 30 mln roubles (100 US $). Five more members of the Central Election Committee were charged with breaking the art. 167.1 (p.1) of the Code on Administrative offences (failure to comply with order of conducting meetings, marches, rallies and pickets). The judge Valiantsina Zian'kevich brought the following verdicts:

1. *Sidarenka* Valery Ivanavich (a worker) – fine 20 mln roubles;
2. *Klianovaya* Valiantsina Vitaliewna (a mother of 16 children, 6 of them are minors) – warning;
3. *Zakurdaiew* Leanid Rygoravich (born in 1926, a veteran of the 2 World War, pensioner, physically handicapped) – fine 20 mln roubles;
4. *Gurynovich* Anatol' Vasil'ievich – 5 days imprisonment.
5. *Lagun* Valiantsina Viktarawna (a staff member of the National Academy of Sciences) – warning.

A little bit later in the Minsk Leninsky district Court other members of the Central Election Committee were charged. This time public representatives were allowed to come in. The beginning of the process was even taken a film by Russian TV-broadcasting companies. But then the journalists were asked by Alena Tsierashkova to live the court room. She passed the following verdicts:

1. *Abadowski* Siargei Viktaravich (a legal adviser of the Belarusan Free Trade Union) – 5 days of administrative arrest (S.Abadowski refused to reply to the judge' questions and give any explanations in token of protest against illegal detention and bringing him to the book. After judge announced court's decision he went on hunger-strike);
2. *Navumchyk* Iosif Adamavich (Vitsebsk) – fine 15 mln roubles.
3. *Sazanavets* Liliya Vatslavawna (mother of two underage children, Lida) – warning;
4. *Pakhabaw* Mikalai Andreievich (worker, Barysaw) – fine 30 mln roubles;
5. *Dzilinchus* Al'ginas Yuzefavich (film director) – fine 30 mln roubles;
6. *Koktysh* Alexander (journalist) – fine 30 mln roubles;
7. *Cyunter* Barys Davidavich (secretary of the Central Committee on presidential elections) – 5 days of administrative arrest.

On March 1, Viktar Ganchar went on hunger-strike. On March 3, his wife Zinaida Ganchar was allowed to meet her husband tete-a-tete, which lasted just some minutes. The chairman of the Central Election Committee said that he was going to be on hunger-strike until all the members of the Committee would have been kept in jails. An emergency ambulance «kept vigil» near the preliminary ward. Apart from this the officials of the special services had an eye on security guards responsible for safe-keeping of prisoners not let them to be in touch with journalists and public.

On March 2, in the rooms of the Magiliow regional organisation of the BPF «Adradzhennie» a convention of the regional branch of the BPF was held. Approximately at 19.30 the convention was interrupted by burst into the room of policemen with majors U.Yermakow and U.Chumakow at the head. Policemen searched a house without search-warrant and seized a series of materials «containing the calls for forcible overthrow of the power». They drew up a report. To justify themselves the policemen referred to the «Declaration» by Zyanon Paznyak, which was prepared two years ago. The policemen put down the names of convention participants.

On March 2, the officials of the Grodna prosecutor's office, police and those of the State Security Committee conducted a series of searches. An editorial office of the newspaper «Pagonya», office of the public organisation «Ratusha» and Toy's Theatre were searched. They looked for information materials even somehow connected with presidential elections scheduled to be held on 16 May. In the editorial office of the newspaper «Pagonya» they confiscated archive materials and editorial correspondence. In consequence of the search conducted in the office of the public organisation «Ratusha» some burlesque miscellanies by Ales Suvoraw, brochure by Syamion Sharetski titled «The Tragedy of Belarus» and hearings of commissions on presidential elections were seized.

On March 3, at 9 a.m. in Magiliow Central district Court there took place a trial under the chairman of the local branch of the BPF Anatol Phiodaraw. He was find innocent and released.

On March 3, the prosecutor's office of Baranavichy town at last replied to the allegation done by M.Severtsaw, a chairman of the Baranavichy town's council of the BPF. The application addressed to the Baranavichy's prosecutor's office says, «in the town of Baranavichy the organisation «Russian National Unity» (RNU), which is not registered in the Republic of Belarus, is acting. This foreign organisation is spreading chauvinistic ideas and calling to violent actions which contradicts the Constitution of the Republic of Belarus. By its leaflets and newspapers such as «Russkii poryadok» (Russian order), «Russkii vestnik» (Russian bulletin) the Russian National Unity exasperates international enmity in the country. This foreign organisation openly conducts its meetings in Baranavichy and tries to draw into its ranks and to bend to its will as much youth as possible in order to «set up Russian world order». Proceeding from aforesaid and taking into account that we are the citizens of independent and sovereign country, we de-



mand an immediate decision of this question and take adequate measures to stop the activities of the chauvinistic and Fascist organisation. Please let us know about taken measures». The Baranavichy's prosecutor's office took the following measures in response: the chairman of the local organisation of the BPF M.Severtsaw and the sec-retary of the local council of the BPF were called for and ordered to give the names and home addresses of Russian National Unity members. In case that the prosecutor's office got this information it would take an interest in the activities of the Fascist organisation.

On March 3, Siargei Abadowski, a member of the Central Committee on presidential elections sentenced to administrative arrest, was brought to the emergency hospital with diagnosis «high blood-pressure». It was a consequence of the hunger-strike against illegal detention declared by Abadowski during the court sitting. In the hospital S.Abadowski was given an emergency medical help and released. He was left two and a half days to be in custody which he has to serve after his recovery.

On March 3, Tamara Vinnikava, ex-head of the National Bank, was brought to the intensive care unit of the military hospital with the diagnosis physical and mental exhaustion. He was placed in a special ward under the guardianship. The day before she addressed to the Belarusan Helsinki Committee for help. She states that further finding under home arrest threatens to her life. In 1998 she was found an oncologic disease. And now only surgical operation can safe her life. What is more, needed operation can be performed only in clinical hospital No 8. But there are «no conditions for placing guardianship» in this hospital... As a result T.Vinnikava has been refused medical treatment two years long. In January 1998 the lawyer Ludmila Ul'yashyna addressed with the protest to the General prosecutor's office of the Republic of Belarus and to the Minsk Phrunzenski district Court but in vain. They dismissed the complaint.

On March 4, the Minsk Savetski district Court put off the consideration of case, instituted against Valery Kostka, on 16 March.

On March 4, Valiantsina Korzun and Alexander Ivanovich were detained in Minsk Zavodski district while collecting the signatures. The policemen tried to accuse them of «illegal attempts to get to the citizens' flats under the guise of collecting signatures». They seized all the subscription lists. On March 12 V.Korzun and A.Ivanovich were summoned to the Zavodski district Court. They were charged with breaking the article 167.3 of the Code on Administrative offences of the Republic of Belarus. The court sitting was put off on March 15, 1999, for V.Korzun and A.Ivanovich asked of lawyer' services.

On March 5, Viktar Ganchar was enforced by doctors to stop hunger-strike (they began a forcible feeding of him). Anatol Curynovich, a member of the Central Committee on presidential elections who served his term in the neighbouring cell, heard Viktar Ganchar putting up resistance to doctors. Viktar Ganchar's principal condition – immediate release of all accused members of the Central Election Committee – was not fulfilled.

On March 5, in the Magiliow Central district Court Andrei Dz'vigun, a member of the «Young Front» was fined 1mln roubles. He was charged with breaking the art. 167.3 (infringement of the law on elections) of the Code on Administrative offences. On march 4 A.Dz'vigun and minor member of the «Young Front» Ales Paltaratski were detained while collecting the signatories for Zyanon Paznyak. They did not draw up a report. The parents of A.Paltaratski were not informed about their son's detention. On March 5 Valadar Tsurupanaw, a human rights activist who came to the court to defend A.Dz'vigun, was sentenced to 3 days of administrative arrest together with A.Dz'vigun...

On March 5, in Grodna participants of the youth anti-Fascist action were detained. They were rang about by policeman with dogs in the Savetskaya street. There were detained 39 people. They seized the literature with anti-Fascist contents. The detained people were not drawn up the reports but took pictures. Two hours later the majority of detainees was released. Brothers Stanislaw and Andrei Pachobut (members of the «Young Front») were detained till the court sitting, which was to be held on March 9. Stanislaw Pachobut escaped. His brother Andrei was severely beaten by policemen in the cell.

On March 5, in Svetlagorsk 10 members of the town's election commission and 10 members of the district's election commission on presidential elections scheduled on March 16 were «invited» to have a talk with Svetlagorsk's deputy prosecutor V.P.Galavach. One of the «invited guests» informed the Human Rights Centre «Viasna-96» that the deputy prosecutor warned them. He said that they broke the article 81 of the Constitution of the Republic of Belarus «adopted» in 1996 and planned to throw down the current president, which entails criminal responsibility according to the Belarusan legislation.

On March 10, trials under Uladzimir Rusnak and Vasil Pashkovich, the participants of the action «Crush the Fascist reptile!» were put off on March 16.

On March 11, the 10 day-term of imprisonment of the chairman of the Central Election Committee was over. He was to be released by 14.00 p.m. on that day. It was planned to organise a special occasion meeting of the political prisoner at the prison's gates by the representatives of mass media, public and democratic parties' activists but in vain. As it turned out later, he was removed to another isolation ward to be questioned there. Then they brought Viktar Ganchar to Lagoiski Trakt and put him out of the car... It was made known that Viktar Ganchar was subjected not only to forcible feeding but to severe treatment too during the time of imprisonment. After all «the tests» he was put to and after hunger-strike the state of his health leaves much more to be desired. At night, on March 12, the ambulance was called for him. The doctors advised him to restrain himself from intensive contacts with the public and press so far.

On March 11, according to the article No. 190 of the Criminal Code of the Republic of Belarus (unauthorised appropriation of official title or power, connected with committing socially dangerous deeds on this base) a criminal case was instituted against Viktar Ganchar. According to the Belarusan Criminal Code for this «crime» V.Ganchar can be sentenced to 2 years of imprisonment or corrective works.

On March 11, in Magiliow Dzyanis Bashkiraw and Aleg Dz'yachkow, members of the «Young Front», were detained by policemen «to check up documents» while collecting the signatories for Zyanon Paznyak. They were brought to the Central district's Administration of Internal Affairs where they were kept for three hours. In the Administration of Internal Affairs Uladzimir Rusnak and Vasil Pashkovich were seized all subscription lists and then released.

On March 11, in Glusk (Magiliow region) the members of the local election commission on presidential elections working in position of teachers in the secondary schools of Glusk №1 and №3 were called to directors of these schools to give writing explanations about their public activities. They were also proposed to give up working in this commission. They were threatened to be dismissed. It should be mentioned that in small towns of Belarus to find a new job of the same profession is very serious problem. Yawgen Pha-letski, a chairman of the Glusk's Council of the Belarusan Popular Front «Adradzhennie» told that three years ago in Glusk there was dismissed without cause Igar Kiryn, a father of five children, who worked in position of director of the «Youth Centre». Now he works as bookbinder with wages 1 700 000 roubles (approximately 5$ US) per month. In the morning on March 12 the members of the local commission on presidential elections were called to the Glusk's prosecutor's office.

On March 11, in Svislach (Grodna region) Victar Trashchanovich, a member of the local commission on presidential elections was called to the sitting of the town executive committee where the majority of people voted for liquidation of his private enterprise «Electrapramen'». The formal ground for this decision was that the enterprise was unprofitable. But according to V.Trashchanovich he paid taxes in time and there were no questions for him from the tax office. The fact that they considered the question of V.Trashchanovich's enterprise just 15 minutes and more than an hour the political activities of him speaks for itself. Apart from that V.Trashchanovich and 10 more members of the local commission on presidential elections were summoned to the prosecutor's office, where they were warned.

In March Alexander Koktysh, a press-secretary of the Central Committee on presidential elections was warned. He was called to the State Security Committee (KGB), where he was explained that his activities might lead to criminal responsibility.

FILE No 1592

A GIRL WAS DEPRIVED OF HER INHERITANCE BY FRAUDULENT MEANS. WHO WILL RESTORE JUSTICE?

In February, 1999 Valerian Ivanavich Kazhewnikaw appealed to Human Rights Centre «Viasna-96». He wrote in his statement: After the death of my son on June 11, 1996, his estate has been robbed by a group of people. A criminal action No. 1592 was brought. In cause of investigation it was found out that people from KGB had taken part in that robbery...

What forced this senior man to make such a statement? His appeal to the Human Rights Centre was preceded by the following. On June 6, 1996 on the road Makhava-Veyna-Magiliow there was a car accident: a «Lada», driven by Vyachaslaw Kazhewnikaw, a small business owner, crashed into «Kamaz». With numerous body injuries Vyachaslaw Kazhewnikaw was taken to hospital, where he died 5 days later. The inheritance was left, which under the law was to be divided among Valerya, a minor daughter from his first marriage, Alena Kazhewnikava, his wife, and his father.


On the father's grave

What was his inheritance? It was ownership of a small-business enterprise «Express»-26 diesel accumulator batteries (about 500 kg each and cost several thousand dollars each), 20 of them were stored in a warehouse of carriage-repairing works in Minsk, and 6 of them Vyachaslaw didn't manage to transport to Vyalikia Luky.

Alena Kazhewnikava, his second wife, was the only who knew about this estate. She decided to take possession of her husband's inheritance individually and the fact that it was against the law didn't prevent her from doing it. So file No. 1592 appeared.

The copying of criminal case No. 1592 says: «In order to take a whole possession of a small-business enterprise «Express» estate and to deprive other people of their rights to inheritance, Alena Kazhewnikava, who was a senior inspector of Magiliow region Customs, soon after her husband death, gave false information. She said that there wasn't any estate which could be inherited. In 1996 A.Kazhewnikava engaged in her criminal activities Valery Pryshyvalka, unemployed, who knew about Vyachaslaw Kazhewnikaw transaction to acquire accumulator batteries. In a ten-day period of July, 1996, A. Kazhewnikava in conformity with a preliminary conversation with V.Pryshyvalka, breaking the order of estate inheritance, with the help of Lemtsiugova, KGB major and A.Mikhaliow, a resigned KGB colonel in Magiliow district, at the beginning of July, 1996, arrived at carriage-repairing works in Minsk. There A.Kazhewnikava was introduced to Talkachow, a commercial director, and Kastenka, his deputy, as the only heiress of her late husband and as the owner a small-business enterprise «Express» and showed a certificate of her husband's death. Talkachow and Kastenka, being swindled by Kazhewnikava and sympathising with her sorrow on her husband's death, didn't check the documents, confirming her individual right to inheritance and gave her 20 accumulator batteries, total value 1 billion. 83 mln 287 roubles. In pursuing her aim of taking a possession of a small business enterprise «Express» Kazhewnikava had taken with Pryshyvalka and was intended to sell 20 units of accumulator batteries and they started to do business without state registration...» In order to take 6 left batteries Kazhewnikava and Pryshyvalka went to Russia, to the town of Vyalikia Luky, where they had to make a false warrant: they forget a signature of a small business enterprise «Express» head and of a chief accountant, and a seal. They got batteries in conformity with this document and kept on selling them.

On October 22, 1996 the money and goods were arrested to ensure a tax-pay in the budget. Let's come back to the copying of criminal case No. 1592 which says: «On March 11, 1997 A.Kazhewnikava and V.Pryshyvalka were charged in conformity with Art. 91-1 of the Criminal Code of the republic of Belarus (Serious embezzlement), from 10 to 15 years of imprisonment) on that very day they decided to arrest them. The arrest was authorised by A. Bashkow, a deputy prosecutor of Magiliow Region.

On March 19, 1997 when the time of Preliminary investigation was prolonged in Minsk and in the General Prosecutor's office of the republic of Belarus, T.Y. Kazeka, a prosecutor supervising investigation in the Ministry of Internal Affairs, wished a criminal case to be over and he also wanted Kazhewnikava and Pryshyvalka to be released. The time of preliminary investigation of that case was continued by P.I.Ivanenka, a general Prosecutor of the Republic Belarus. On March 25, 1997 Magiliow region Prosecutor's office was given an instruction, signed by P.A.Ivanenka, to release and the criminal proceedings No. 1592 were found illegal.»

Under Article «Forgery of documents» the materials of case were passed to the Comrades' Court of Magiliow customs where A.Kazhewnikava worked as well to the place of work of unemployed Pryshyvalka. The Comrades' Court brought a verdict: a public reprimand.

Taking into consideration the fact that the secret forces were involved in this case, Valerian Kazhewnikaw, Vyachaslaw's father, appealed to the Security Council of the republic of Belarus and even got a reply. In the letter of Siargei Kantsavenka, a deputy General secretary of the Security Council, send to Valerian Kazhewnikaw there are such lines: «In course of investigation we found facts proving that I.Lemtsiugow, I.Mikhaliow and A.Tananaika abused their official position. Taking into consideration the fact that Lemtsiugow and I. Mikhaliow were resigned from KGB and there is nothing criminal in their activities, we sent an instruction to the leaders of the Magiliow Region of KGB to prevent such acts from its officials. Valerian Kazhewnikaw finds this reply absurd.

Meanwhile a part of money for accumulator batteries disappeared. What was left, went to the tax-inspection for paying back former loans of a small business enterprise «Express» and illegal transaction with selling accumulator batteries. The state tax Committee of the republic of Belarus of Kastrychnitsky district in Magiliow answered: «No money is left in the budget to pay to the relatives of the late founder of a small business enterprise «Express», it means to a minor daughter and his parents. Because on 1.02.99 there is an unpaid debt in the budget, valued at 28.5 mln roubles».

Valerian Kazhewnikaw continues to come from Magiliow to Minsk with appeals to the attention of the general prosecutor of the republic of Belarus in which he write: «A robbed orphan. Any action against children can't go in cause of time, that's why I demand to check out the grounds for dropping criminal case No. 1592 in front of me in the building of the General Prosecutor's office».

Mickola KACHAN

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